

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY

January 10, 2018

1:00 pm

Board Members Present: Amy Adkins, Betty Brown, Jacob Hack, Karen Leek, Melanie Marrs, Carol Scherbak, Jaime Warren, Steven Wells, Sharon Whitaker

Board Members Absent:

ExOfficio Members: Shan Dutta, Elizabeth Morgan

Guests: Carson Kerr, Public Protection Cabinet; Doyle Decker, Anna Walker, Kaitlyn Bland, & Jordan Loy, Somerset Community College

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Meeting was called to order at 1:17 pm.
Introduction of Board Counsel	3 minutes	Shan Dutta, Assistant Attorney General, was introduced to the board and will provide legal services to the board moving forward.	
Approval of December Minutes	2 minutes		A motion to approve the December minutes was made by Karen Leek. Carol Scherbak seconded. Motion passed.
Approval of Board Travel and per diem	1 minute		Carol Scherbak made a motion to approve board travel and per diem pay. Jaime Warren seconded. Motion passed.
Review of Office Personnel Time Records	3 minutes		The board chair reviewed office timesheets. No issues were noted.
Committee Reports	20 minutes	<p><u>Education Committee:</u> The committee will review proposed updates to accreditation standards from the JRCERT, and draft a response to JRCERT for the board to review at the next meeting.</p> <p><u>Complaint/Violation Committee:</u></p>	<p>The complaints/violations committee made a recommendation to dismiss case 16.35 as the facts alleged in this matter do not constitute any apparent violation of law. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to dismiss case 16.36 as the facts alleged in this matter do not constitute any apparent violation of law. Carol Scherbak seconded.</p>

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			<p>Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to dismiss case 17.17F as the facts alleged in this matter do not constitute any apparent violation of law. Melanie Marrs seconded.</p> <p>Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 5-day suspension, retroactively applied to date of cease and desist, September 11-15, 2017, and impose a \$250 civil penalty in case 17.22. Karen Leek seconded.</p> <p>Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 5-day suspension, retroactively apply 4 days of suspension to date of cease and desist, October 2-5, 2017, and impose a \$50 civil penalty in case 17.26. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.28. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to approve the individual's request to begin the 5-day suspension on January 15, 2017 in case 17.30. Betty Brown seconded.</p> <p>Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to approve the individual's request to begin the 5-day suspension on January 22, 2017 in case 17.31. Karen Leek seconded.</p> <p>Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 45-day suspension, retroactively apply 10 days to date of cease and desist, and impose a \$1500 civil penalty in case 17.32. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.33. Jaime Warren seconded. Recommendation</p>

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			<p>passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.35. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 45-day suspension, retroactively apply 30 days to date of cease and desist, and impose a \$1500 civil penalty in case 17.36. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a \$1200 civil penalty in case 17.37. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 5-day suspension and a \$150 civil penalty in case 17.38. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.39 for unlicensed practice. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 18.01 for working with an invalid license. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 18.02 for working with an invalid license. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to apply the civil penalty limit [201 KAR 46:070, Section 3, (5)(a)] in case 16.33A, and notify the individual that the payment plan noted in the Agreed Order is complete. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a</p>

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		<p data-bbox="680 337 995 363"><u>Applications Committee:</u></p> <p data-bbox="680 873 1188 899"><u>Communications Committee:</u> No report</p> <p data-bbox="680 974 1115 1000"><u>Regulations Revision Committee:</u></p> <p data-bbox="680 1010 1199 1237">a. Update on amendments to 201 KAR 46:010, 201 KAR 46:020, 201 KAR 46:035, 201 KAR 46:081, and 201 KAR 46:095. These amendments were reviewed by the Administrative Regulation Review Committee and passed.</p> <p data-bbox="680 1247 1199 1474">b. Update on technical change to administrative regulations and forms incorporated by reference due to office move. The technical change is now effective and all forms have been updated to reflect the new address.</p> <p data-bbox="680 1484 1129 1510">c. The regulations committee has</p>	<p data-bbox="1228 141 1927 297">recommendation to apply the civil penalty limit [201 KAR 46:070, Section 3, (5)(a)] in case 17.02A, and notify the individual that the payment plan noted in the Agreed Order is complete. Karen Leek seconded. Recommendation passed.</p> <p data-bbox="1228 339 1927 566">The applications committee made a recommendation to approve the applications for LaQuetta Wright, Angela Honaker, Lauren Early, Shari Walker, Stephanie McCullum (waive late fees due to postcard mailing error), and Erica Bockerstette (waive late fees due to postcard mailing error). Steve Wells seconded. Recommendation passed.</p> <p data-bbox="1228 576 1927 803">The applications committee made a recommendation to deny the initial license application for Erika Lenis-Abril, as the Nuclear Medicine program completed was not accredited by JRCNMT at the time of graduation and the individual does not meet the requirements of KRS 311B.100 (3). Sharon Whitaker seconded. Recommendation passed.</p>

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		<p>received multiple questions concerning the scope of practice as it relates to PICC line placement. The committee will draft a position statement for the board's review.</p> <p>d. The question was raised whether a new administrative regulation should be drafted concerning the reporting of criminal convictions by licensees. The regulations revision committee does not believe this is necessary. The current process is sufficient. When a licensee renews, they are asked if they have been convicted since the last renewal. If they answer "yes", the renewal process ends and the individual must call the office to proceed. At that time, the individual submits documentation related to the criminal convictions. The renewal can proceed and the information related to the criminal convictions are then presented to the complaint/violations committee for their review.</p>	
Old Business	15 minutes	<p><u>Reorganization Updates:</u> No updates</p> <p><u>MOA with CHFS for Inspections:</u> Ongoing</p>	
Executive Director Update	5 minutes	<p><u>License Update:</u> December</p> <ul style="list-style-type: none"> a. New: 23 b. Renewal: 486 c. ISC: 2 d. Late: 5 e. Follow-up to late license submissions: in committee <p><u>Related legislative activity:</u> House Bill 50 would establish that all occupational licensing regulations be reviewed by November 2018, and every five years</p>	

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		<p>after that, to determine whether the regulations meet certain criteria outlined in the bill.</p> <p><u>Budget:</u> Report for December distributed</p> <ul style="list-style-type: none"> a. Revenue b. Expenditures c. YTD Balance d. Outstanding Bills <p><u>Other:</u></p> <ul style="list-style-type: none"> a. Record Retention Schedule Review: ongoing 	
New Business		<p><u>Officer Elections for 2018:</u> Executive Director did not receive nominations since the last board meeting.</p>	<p>Carol Scherbak made a motion to keep Amy Adkins as chair and Sharon Whitaker as vice chair of the board. Steve Wells seconded. Motion passed.</p>
Future meetings		<p>February 14, 2018</p> <p><i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: 125 Holmes Street, First Floor Conference Room</i></p>	
Meeting adjourned			<p>Carol Scherbak made a motion to adjourn meeting. Steve Wells seconded. Meeting adjourned at 1:53 pm.</p>